

PLANNING COMMISSION REPORT



MEETING DATE: June 14, 2006

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Rutherford Abandonment -4-AB-2006

REQUEST

Request to consider the following:

1. Abandon the north 13-foot portion of the GLO easement along the E. Turquoise Avenue alignment.
2. Abandon the west 33-foot GLO easement along the N. 127th Street alignment.
3. Abandon the east 33-foot GLO easement at the approximate location of the N. 126th Place alignment.

Related Policies, References:

Case 1-AB-2006 is a similar request for property located directly north of this property.

Case 38-LD-2005 split this parent parcel into the two existing lots.

OWNER/APPLICANT CONTACT

John Rutherford
480-657-9436

LOCATION

12684 E Turquoise Avenue

BACKGROUND

Background.

The subject General Land Office (GLO) easements were reserved on the original patent deed to assure legal access in 1954. The GLO easements exist on the south, east, and west sides of the 2.5-acre property. The 2.5-acre property was split into 2 lots in 2005 (Case 38-LD-2005), and there is a wash located on the east side. An existing residence is located on the west lot.



General Land Office (GLO) Patent Easements (general information).

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 feet (or sometimes 50 feet) roadway and public utility easements typically "as near as practicable to the exterior boundaries."
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e.; lot splits, subdivisions or requesting building permits), staff requires city right-of-way dedications per our circulation plans. The city's transportation plan establishes a street system to replace the grid pattern created by the GLO easements.

- Any patent easements in excess of the current requirements of the circulation plans (including trails), roadway standards, and not required to ensure access to any other lot, may be requested to be abandoned.
- In 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all right-of-ways, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon their interest in GLO patent easements, and concurs with the city's position on abandonment of GLO patent easements.

Zoning/Context.

The site is zoned Single Family Residential, Environmentally Sensitive Lands District (R1-43 ESL), which allows for single-family residential lots having a minimum lot size of 43,000 square feet. The surrounding area is zoned R1-43 ESL, and has developed with large single-family lots through various lot split processes.

Adjacent Uses and Zoning:

- North Vacant, zoned R1-43 ESL
- South One single-family residence and one vacant single family lot, zoned R1-43 ESL
- East One single-family residence, zoned R1-43 ESL
- West One single-family residence, zoned R1-43 ESL

Walls and structures historically exist within and around the GLO easements in this area, and there have been several approved GLO abandonments in this area. The N. 127th Street roadway east of this property was abandoned in 1995 (Case 2-AB-1995). There is an active application to abandon the connecting GLO easements located immediately north of this property (Case 1-AB-2006), which was heard by the Planning Commission on May 10, 2006. The Planning Commission recommended approval.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

This request is to abandon the GLO easements located on the south, west, and east sides of the property. The abandonment request is to remove the easement from the existing development on the west lot, and to provide development flexibility for the east lot. Access to the property will be provided by E. Turquoise Avenue.

IMPACT ANALYSIS**Community Impact.****GLO Easement along E. Turquoise Avenue:**

Access to the property will be provided by E. Turquoise Avenue, which consists of a 20-foot half-width public right-of-way dedicated during the land division process. Since the E. Gold Dust GLO easement is 33 feet, the additional 13 feet will not affect the existing or planned street/trail network for

this area.

Because of the existing wash located on the east side of the property, it is not likely that the roadway will be constructed over the wash. Therefore, a half cul-de-sac having a radius of 45 feet needs to be dedicated on E. Turquoise Avenue just west of the wash to provide turn-around area for vehicles. The applicant is in agreement with this requirement.

GLO Easements along the N. 127th Street and the N. 126th Place alignments:

The proposal will not affect the existing or planned street/trail network for this area. There is no need to have street access along the N. 127th Street alignment or the N. 126th Place alignment at this location. The surrounding properties will continue to have access to either E. Gold Dust Avenue to the north, 126th Street to the west, or E. Turquoise Avenue to the south.

Departmental Responses.

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Community Involvement.

The site has been posted and surrounding properties have been notified. The property owner to the north also submitted an application to abandon the connecting GLO easements between this property and E. Gold Dust Avenue to the south (Case 1-AB-2006). There have been no other public comments.

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends the following:

1. Approval of the abandonment of the north 13-foot portion of the GLO easement along the E. Turquoise Avenue alignment.
2. Approval of the abandonment of the west 33-foot GLO easement along the N. 127th Street alignment.
3. Approval of the abandonment of the east 33-foot GLO easement at the approximate location of the N. 126th Place alignment.

This recommendation is subject to the following stipulations:

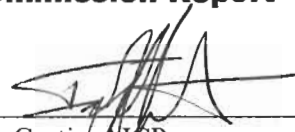
- A. The property owner shall dedicate a half cul-de-sac having a radius of 45 feet on E. Turquoise Avenue just west of the wash as shown on Attachment #8.
- B. These stipulations shall be satisfied within one (1) year of the approval of this action. Recordation of the resolution affirming the abandonment shall occur after the stipulations have been met.

RESPONSIBLE
DEPT(S)
STAFF CONTACT(S)

Planning and Development Services Department

Tim Curtis, AICP
Principle Planner
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

APPROVED BY



Tim Curtis, AICP
Report Author



Lusia Galav, AICP
Current Planning Director

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Zoning Map
- 5A. Context Right-of-Way and Easements
- 5B. Detail Right-of-Way and Easements
6. Area Trails Plan
7. Site Plan
8. Site Plan with Half Cul-De-Sac
9. City Notification Map

CASE 4-AB-2006

Department Issues Checklist

Transportation

☒ **Support**

The abandonments will not affect the existing or planned street network for this area. The applicant will be required to dedicate a half cul-de-sac having a radius of 45 feet on E. Turquoise Avenue just west of the wash to provide turn-around for vehicles. There is no need to have street access along the N. 127th Street alignment or the N. 126th Place alignment at this location. The surrounding properties will continue to have access to either E. Gold Dust Avenue to the north, 126th Street to the west, or E. Turquoise Avenue to the south.

Trails

☒ **Support**

The Trail Master Plan does not show any trails within the requested GLO easements, and the planned trail for this area is located along Gold Dust Avenue to the north.

Adjacent Property Owner Notification

☒ **Support**

The site has been posted and surrounding properties have been notified. There have been no comments regarding this request.

Public Utilities

☒ **Support**

Letters of support from the affected public utility companies are on file with the City of Scottsdale.

Emergency/Municipal Services

☒ **Support**

The abandonment will have no impact on the ability to provide emergency or other municipal services to the adjacent properties or surrounding area.

Water/Sewer Services

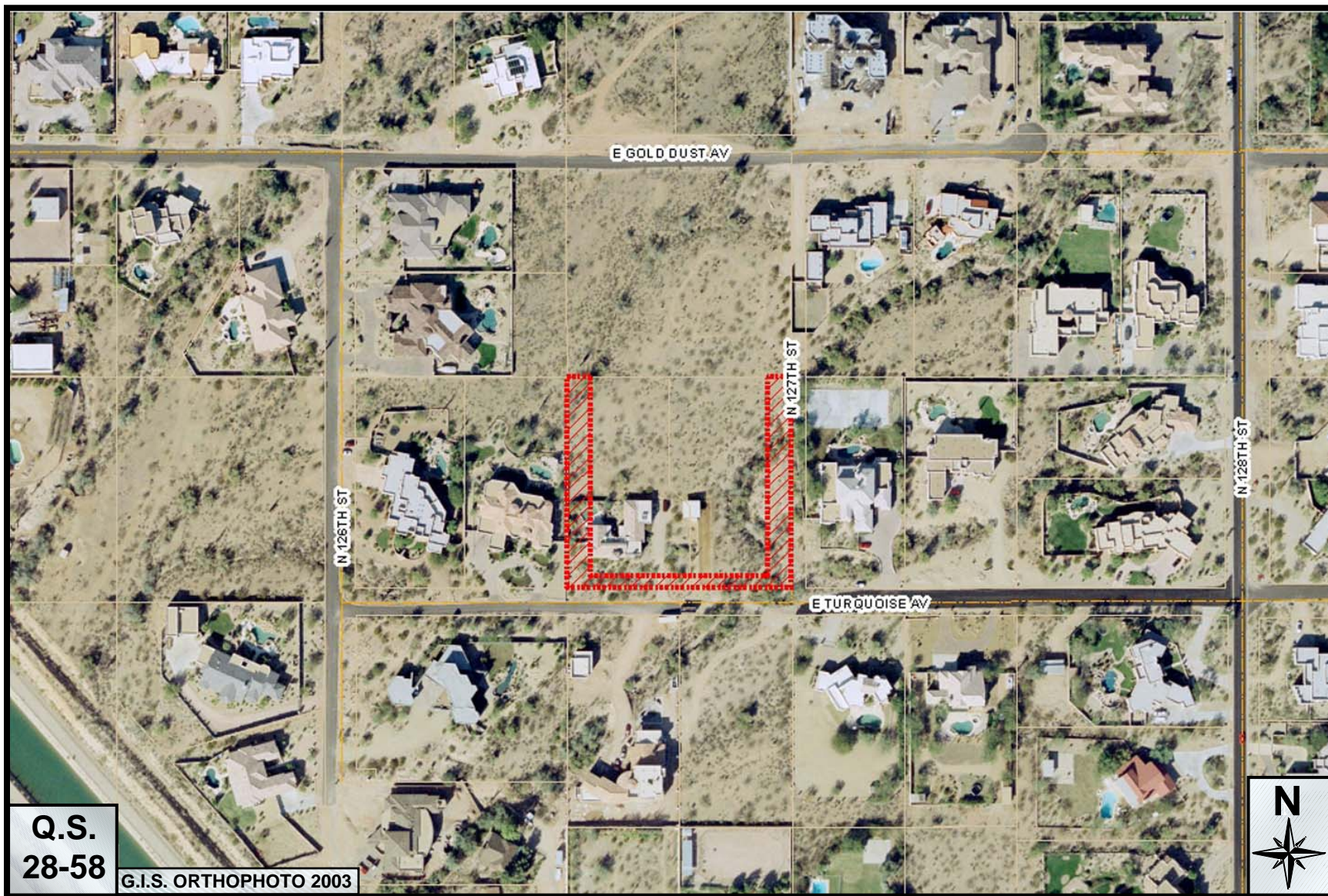
☒ **Support**

The abandonment will have no impact on water or sewer services.

Drainage

☒ **Support**

The abandonment will have no impact on drainage.



Rutherford Abandonment

Legend

 GLO Easement to be Abandoned

4-AB-2006

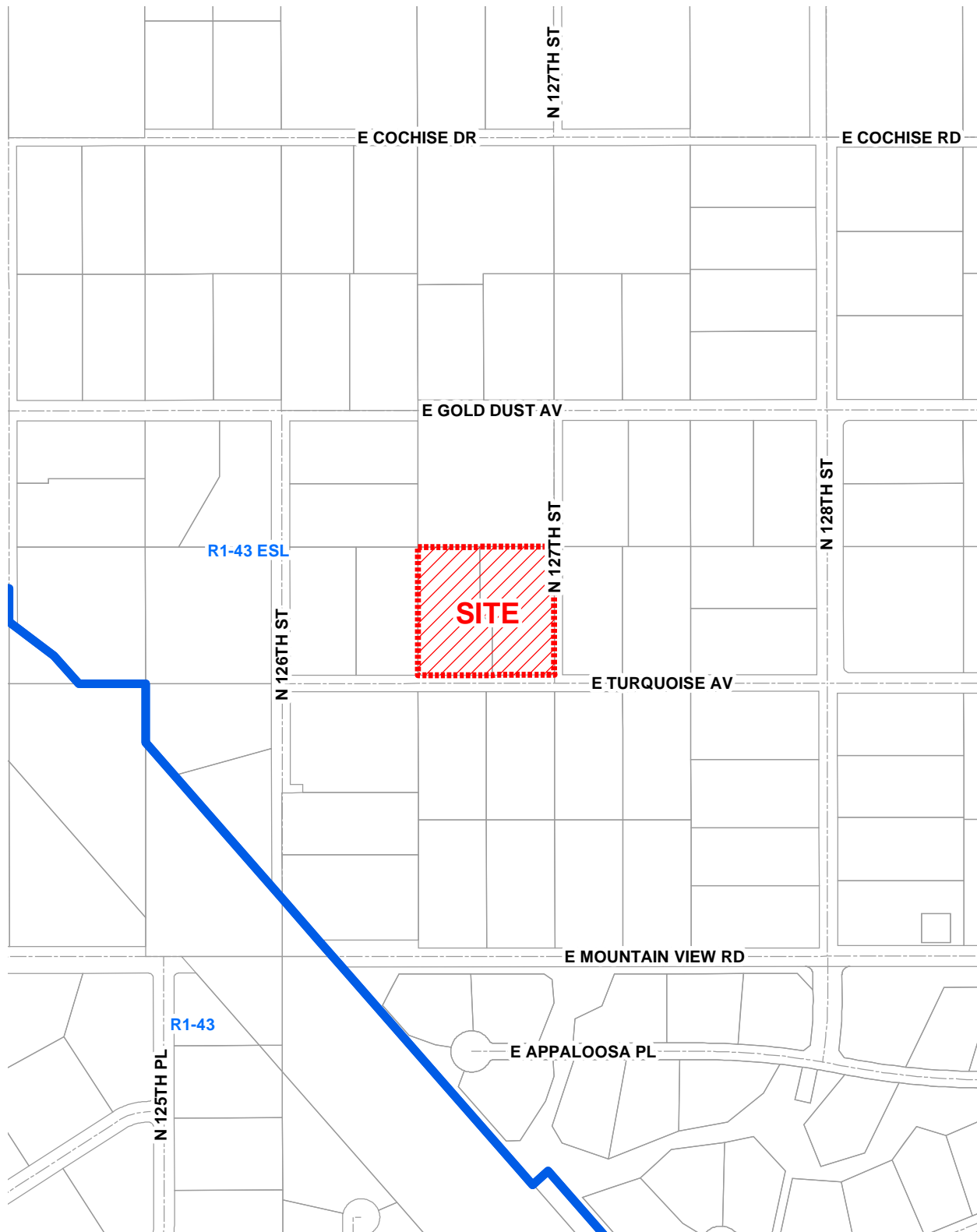
ATTACHMENT #2



Rutherford Abandonment

4-AB-2006

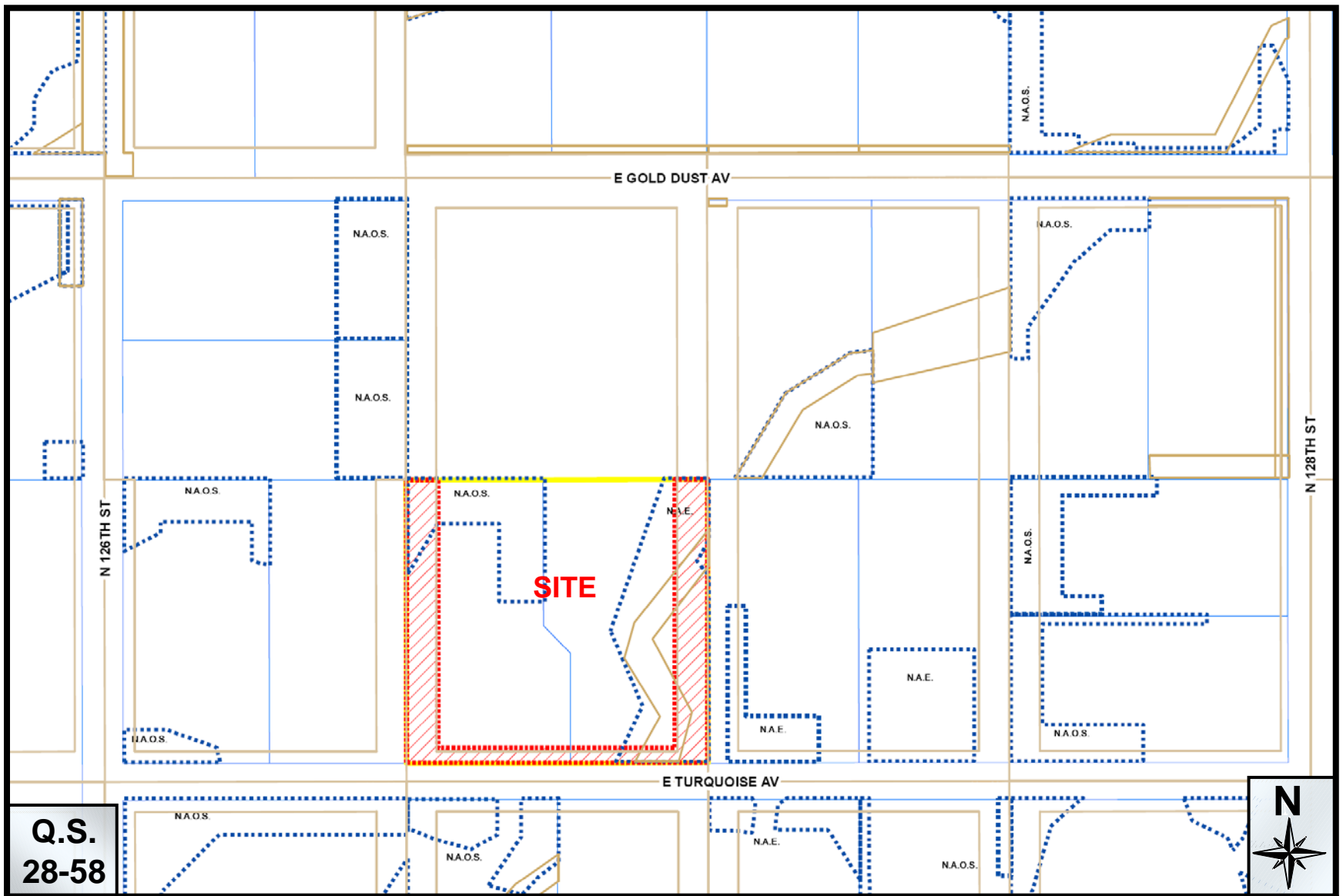
ATTACHMENT #3



4-AB-2006

ATTACHMENT #4

I



Rutherdorf Abandonment

Legend

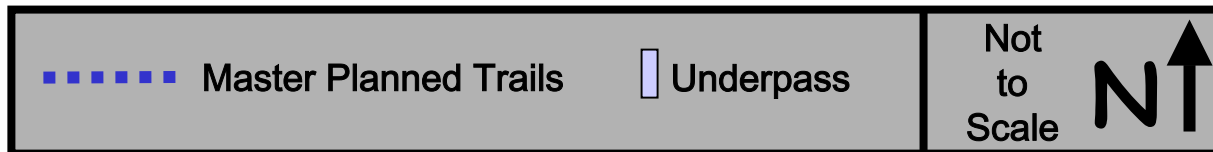
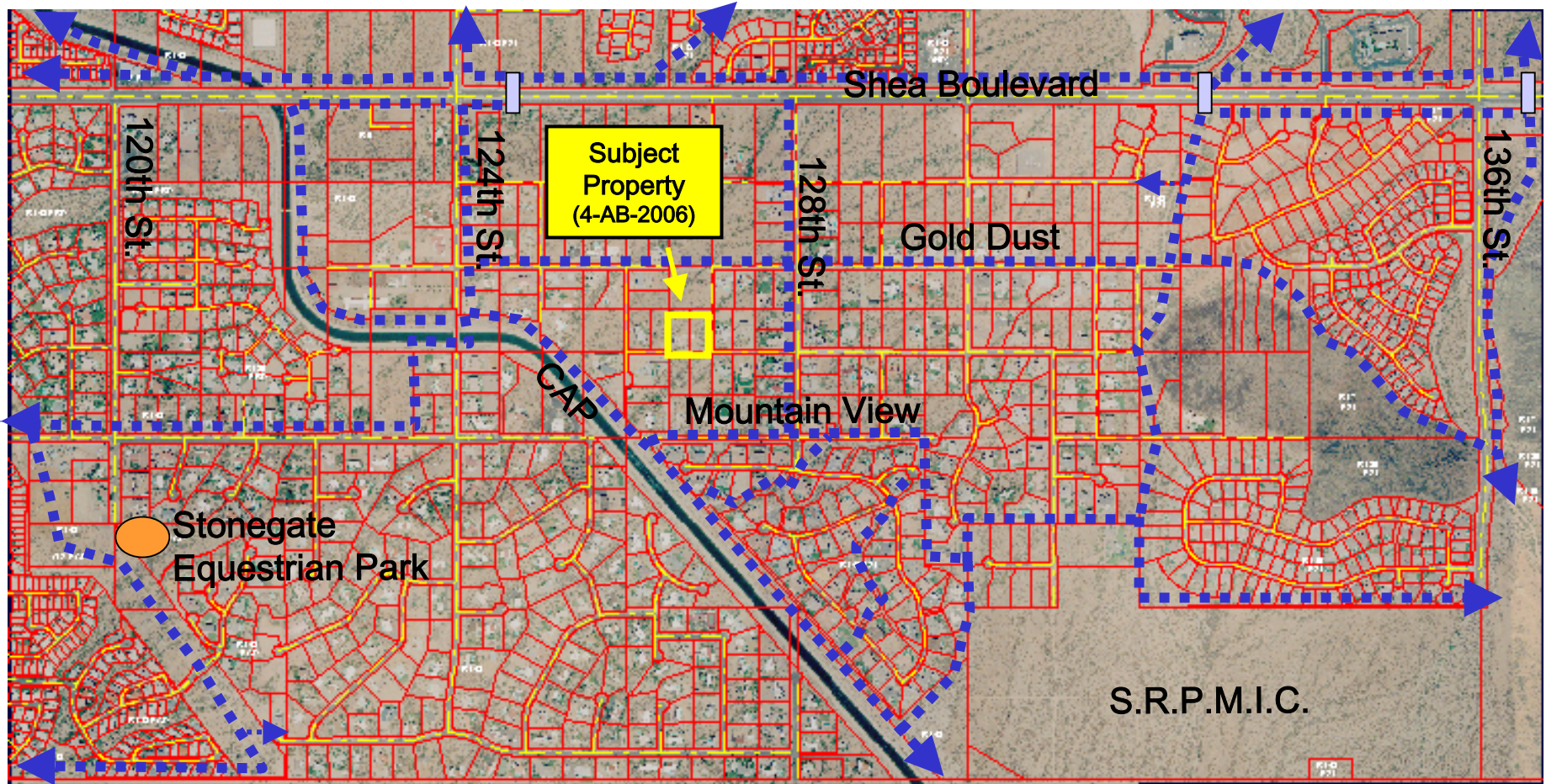
- NAOS
- Parcels
- Easement
- GLO

4-AB-2006

Easements & Right-of-Way
ATTACHMENT #5A

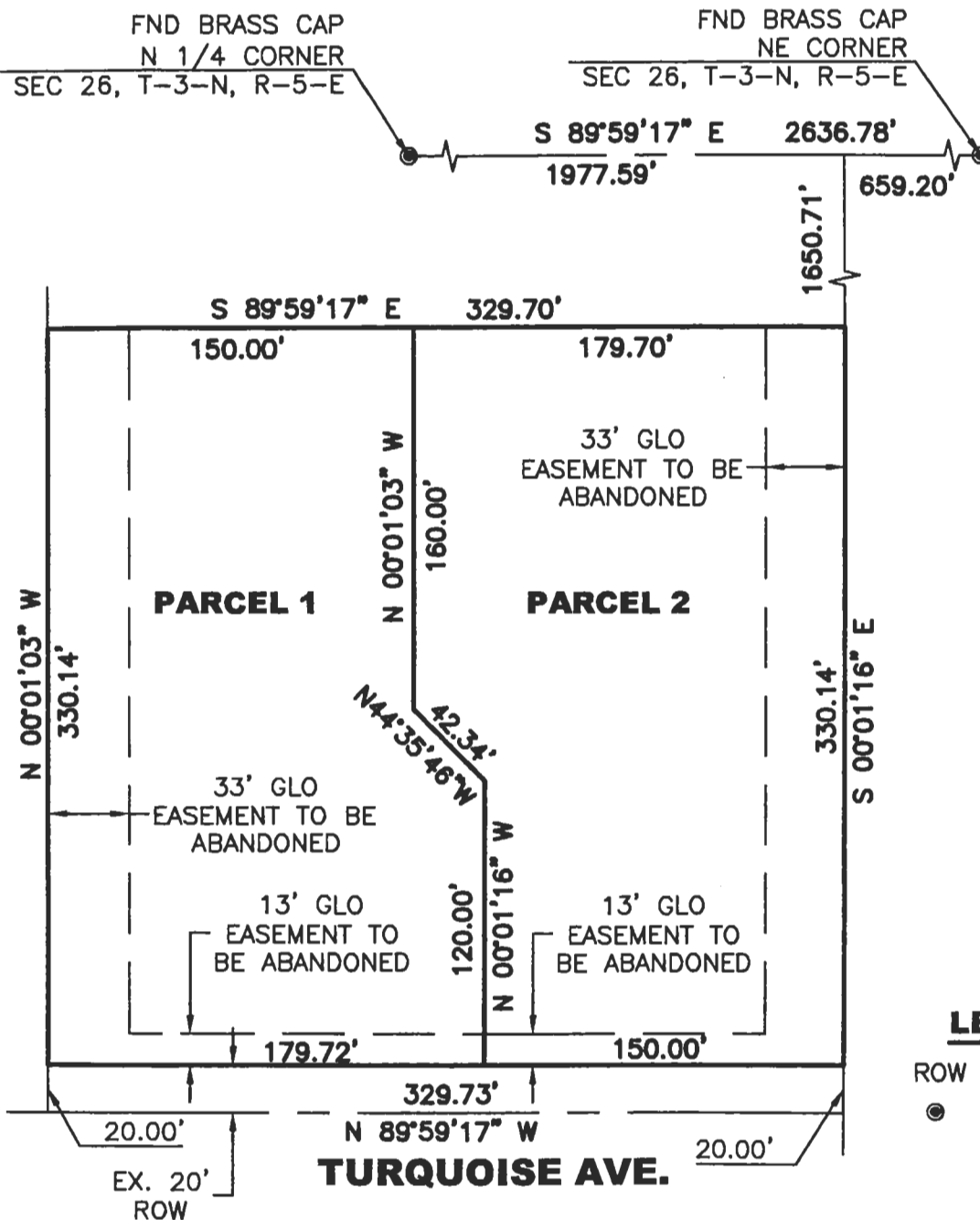
Easements & Right-of-Way ATTACHMENT #5B

Master Planned Trails in the East Shea Area



May 2006

EXHIBIT



LEGEND

ROW RIGHT-OF-WAY
● BRASS CAP



**ALLEN
CONSULTING
ENGINEERS, INC.**

2550 N. THUNDERBIRD CIRCLE #132
MESA, ARIZONA 85215
PHONE (480) 844-1666
FAX (480) 830-8453

RUTHERFORD PROPERTY GLO EASEMENT ABANDONMENT

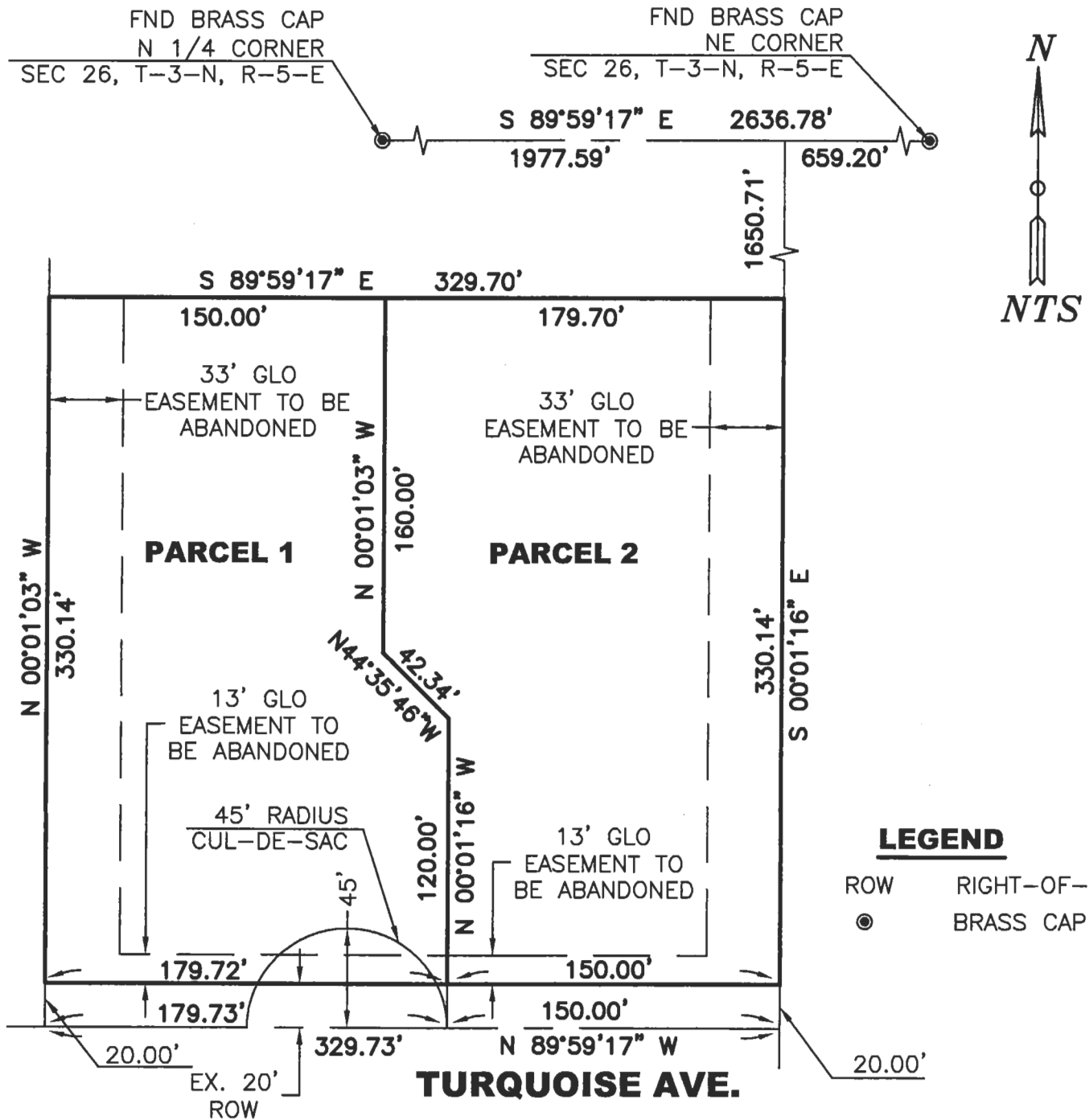
1 OF 2

JOB NUMBER 93584

DRAWING GLO_EXHIBIT

DATE 02-02-06

EXHIBIT B



**ALLEN
CONSULTING
ENGINEERS, INC.**

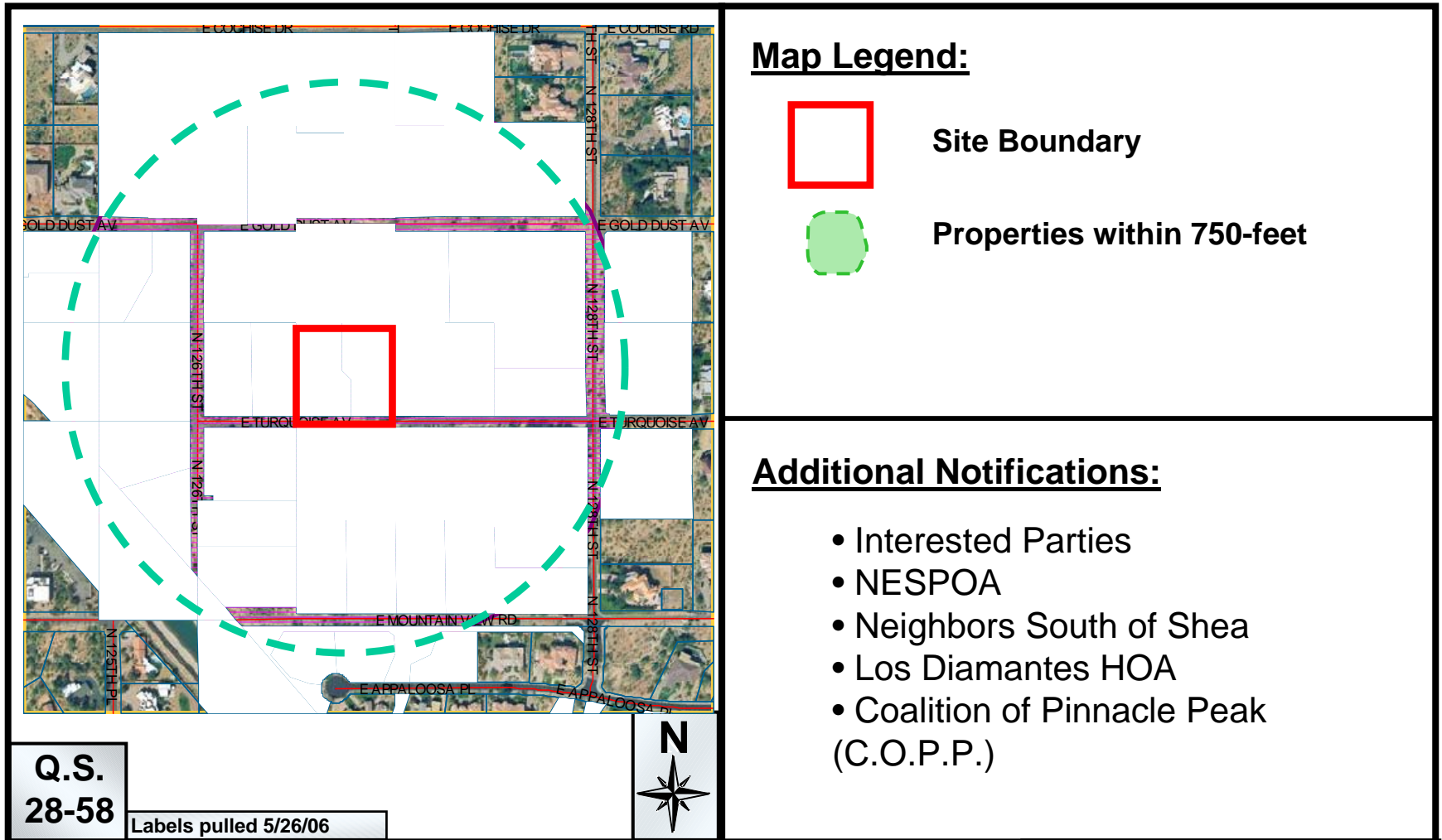
2550 N. THUNDERBIRD CIRCLE #132
 MESA, ARIZONA 85215
 PHONE (480) 844-1666
 FAX (480) 830-8453

RUTHERFORD PROPERTY PLAN TO TERMINATE TURQUOISE AVE.

1 OF 1

JOB NUMBER	93584	DRAWING	RUTHERFORD
DATE	04-14-06		

City Notifications – Mailing List Selection Map



Rutherford Abandonment

4-AB-2006

ATTACHMENT #9